



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Susan M. Duncan

Attorney Docket No. ADAP-1-1002

Serial No.: 09/881,856

Group Art Unit: 2859

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Examiner: T. Reis

Title: SPACE CONFIGURATION DESIGN TOOL

SECOND DECLARATION UNDER 37 C.F.R. § 1.132 OF MICHAEL MILLER
TO THE COMMISSIONER OF PATENTS:

I, Michael Miller, residing at 7147 35th Ave SW, Seattle, Washington 98126, pursuant
5 to 37 C.F.R. § 1.132, hereby state as follows:

1. I am the Americans with Disabilities Act (ADA) compliance manager for
Sound Transit, 401 S. Jackson, Seattle, WA 98104. As such, it is my responsibility to review
all capital project plans at the 30, 60, and 90 percent design stage for compliance with the
ADA, ADA Accessibility Guidelines, International Building Code Accessibility Guidelines,
10 Federal Transit Administration Accessibility Guidelines, Federal Highway Administration
Accessibility Guidelines and Washington State Building Code Accessibility Guidelines. I am
also responsible for conducting in-field evaluations during construction and developing
as-built drawings after construction is complete. I make this declaration as an addendum to
my January 26, 2004 declaration.

15 2. I have been involved with accessibility issues for more than fifteen years in
the areas of education, deaf, hard of hearing, program access and ADA compliance. I hold a
Bachelors degree in Psychology with a minor in Deaf Studies and an Associates degree in
Sign Language Interpreting.

3. In my work reviewing plans for compliance with various accessibility codes,
20 I have used a variety of tools. These include architectural scales, CAD programs and various
overlays. All of these tools are severely limited due to their static nature. It has been found

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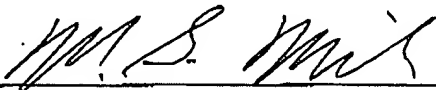
that even using these tools, when actual construction takes place the plans do not necessarily insure that what is built is in compliance with applicable guidelines. Each of the tools previously used in the industry are static in nature, and are therefore limited because they do not show how wheelchairs move through and amongst the space and the located design elements. In addition, because they are two-dimensional, even if they were moveable, the visual impact would be minimal, at best. A two-dimensional template can only be used to mark or indicate a static location on a design plan, thereby providing architectural scale and verifying clearances associated with the wheelchair at that location. However, such a static template does not visually illustrate the actual *movement* of a person using a wheelchair or other types of mobility equipment as it negotiates the space. As yet another drawback, using the templates as an overlay requires manual manipulation of the template, which obscures the visual movement being demonstrated.

4. Simply put, these prior tools did not work to provide the immediate visual feedback and accessibility design information necessary for designer and managers to address accessibility issues on design plans. While the industry has limped along for more than a decade with the static tools, and there has been a need for a tool, none presented itself until Susan Duncan's Visualizer® Set. The Visualizer Set includes a three-dimensional member shaped as a human seated in a wheelchair. The member is scaled to allow accurate representation of the movement of the three-dimensional member within the spaces of known scale of a design plan. It further includes a three dimensional base extending downwardly and outwardly from the three-dimensional member, the base having a peripheral edge shaped to coincide with a scaled space envelope desired for movement of a wheelchair. It also includes a wand extending from the three-dimensional member used to move the tool along design plan paths. With the different scales available within the set, virtually any design plan can now be checked with more accuracy than was previously available. The Visualizer

provided the long-missed need of being able to visually—but still accurately—determine accessibility needs in building designs.

I hereby further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and
5 further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 8/13/04


Michael Miller


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